

FAX TRANSMITTAL SHEET

DATE: March 26, 2014

TO: Norman S. Rosenbaum, Esquire  
MORRISON & FOERSTER LLP

FAX NO: (212)-468-7900

FROM: Allison L. Randle

FAX NO: (508)-757-3780

NO. OF PAGES: Five (5) – (Inc. Cover Sheet)

Re: *Emergency Motion of Allison L. Randle for Leave to File a Sur-Reply Memorandum to the Reply Memorandum Filed by the ResCap Borrower Claims Trust' Sixtieth Omnibus Objection to Claims (Res Judicata Borrower Claims) and to Reschedule Hearing, and certificate of service.*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al.  
Debtors.

Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

**EMERGENCY MOTION OF ALLISON L. RANDLE FOR LEAVE  
TO FILE A SUR-REPLY MEMORANDUM TO THE REPLY  
MEMORANDUM FILED BY THE RESCAP BORROWER  
CLAIMS TRUST'S SIXTIETH OMNIBUS OBJECTION TO  
CLAIMS (RES JUDICATA BORROWER CLAIMS) AND  
TO RESCHEDULE HEARING DATE**

[Document No. 6457]

To the HONRABLE MARTIN GLENN, U.S. Bankruptcy Judge.

COMES NOW Claimant, Allison L. Randle (hereinafter "Randle") and hereby moves this Honorable Court *on an emergency basis* for leave to file a sur-reply memorandum to the reply memorandum filed by the ResCap Borrower Claims Trust's (hereinafter "ResCap") Sixtieth Omnibus Objection to Claims (Res Judicata Borrower Claims) and to reschedule hearing date.

As grounds therefor and in support thereof, Randle states that she returned home early Tuesday evening (March 25, 2014) from Fort Myers, Florida to find four (4) separate Fed-ex packages containing *inter alia* a reply memorandum (hereinafter "Reply Memorandum") filed by ResCap *without leave of court* one (1) day ago, on March 24,

2014 relative to the hearing that was to take place before the Court on Wednesday, March 26, 2014 at 10:00 a.m. The Reply Memorandum itself was one hundred and twelve (112) pages long containing copies of numerous documents which Randle has yet to have a full and fair opportunity to review.

Notwithstanding the foregoing, a cursory review of the Reply Memorandum indicates a complete absence of any reference to a civil action by and between Randle, Residential Funding Company, LLC, f/k/a Residential Funding Corporation (hereinafter "Residential") and GMAC Mortgage, LLC (hereinafter "GMAC, LLC") and others involving *inter alia* the viability of that certain non-judicial foreclosure sale conducted on Wednesday, October 26, 2011 as well as the claims involved here currently pending in the United States District Court for the District Massachusetts – *Eastern Division* styled *Eldorado Canyon Properties, LLC v. GMAC Mortgage, LLC, et al*, Civil Action No. 1:11-cv-12111-RWZ. This civil action which was just recently consolidated by Order of the District Court, dated March 19, 2014 with Civil Action No. 4:13-cv-40076-TSH styled *Residential Funding Company, LLC, f/k/a Residential Funding Corporation v. Allison L. Randle, et al* was likewise pending at the time of the order consolidating these cases<sup>1</sup>.

Again, this consolidated action has yet to be adjudicated. Clearly, counsel for ResCap hopes to win the day by presenting only those portions of the Massachusetts Land Court record that supports its position. As there is much at stake here, Randle should be afforded the same opportunity; this would necessarily entail Randle consulting

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<sup>1</sup> The surviving, consolidated action is under civil action No. 1:11-cv-12111-RWZ.


with her counsel in both the Massachusetts Land Court and the U.S. District Court civil actions and retrieving copies of certain documentation which support her position.

No prejudice shall befall any party hereto, or other interested party if the instant motion is allowed and the hearing on the same rescheduled.

WHEREFORE, Claimant, Allison L. Randle prays that the instant *emergency* motion be allowed, the hearing currently scheduled for Wednesday, March 26, 2014 at 10:00 a.m. be rescheduled, and for such other and further relief as this Honorable Court deems just and appropriate.

Respectfully submitted,

ALLISON L. RANDLE,

  
Allison L. Randle, PRO SE  
83-85 Whitney Street, Unit No. 83, a/k/a  
83 Whitney Street  
Northborough, MA 01532-01429

Date: March 26, 2014

CERTIFICATE OF SERVICE

I, Allison L. Randle, hereby certify that on the 26th day of March, 2014, I served a copy of the following document:

*Emergency Motion of Allison L. Randle for Leave to File a Sur-Reply  
Memorandum Filed by the ResCap Borrower Claims Trust's Sixtieth  
Omnibus Objection to Claims (Res Judicata Borrower Claims)*

upon the following via U.S. first class mail, postage prepaid:

The Chambers of the Honorable Martin Glenn  
One Bowling Green, Courtroom 501  
New York, NY 10104

Morrison & Foerster LLP  
Attn: Gary S. Lee, Esq.  
Norman S. Rosenbaum, Esq.  
Jordan A. Wishnew, Esq.  
1290 Avenue of the Americas  
New York, NY 10104

(also via fax)

(Attys. for the ResCap Trust)

ResCap Borrower Claims Trustee, Polsinelli PC  
Attn: Peter S. Kravitz and Daniel J. Flanigan  
900 Third Avenue, 21<sup>st</sup>. floor  
New York, NY 10022

(ResCap Borrower Claims Trustee)



Allison L. Randle